

FILED
JAMES BONINI
CLERK

08 FEB 19 PM 1:07

INMATE NAME: JAMES CARTER

INMATE REG. NO: 01563-061

FEDERAL CORRECTIONAL INSTITUTION AT MANCHESTER
MANCHESTER, KENTUCKY 40962-4000

TO: CLERK'S OFFICE OF THE U.S. DISTRICT COURT
POTTER STEWART U.S. COURTHOUSE 100 EAST FIFTH
STREET SUITE 324 CINCINATI, OH. 45202

RE: FILING OF PETITION FOR THE
REDUCTION OF SENTENCING IN PURSUANT
TO 18 U.S.C. 3582(c)(2), TO BE THUS
FILED AND HELD IN ABEYANCE UNTIL
EFFECTIVE DATE, MARCH 08'


DEAR CLERK,

I AM FILING THIS LETTER WITH YOU IN REFERENCE TO THE PETITION FOR
THE REDUCTION OF SENTENCING IN PURSUANT TO 18 U.S.C. 3582(c)(2),
TO BE FILED AND HELD IN ABEYANCE FOR A RENDERING DECISION UNTIL
THE EFFECTIVE DATE OF MARCH 08' FOR THE APPLICATION OF EXPRESSED
RETROACTIVITY AS TO U.S.S.G. 2D1.1(c).

I AM FURTHER REQUESTING THAT I RECEIVE CONFIRMATION FROM
YOUR OFFICE THAT SAID PETITION HAS BEEN FILED.

I THANK YOU VERY MUCH FOR YOUR TIME AND EFFORTS AS TO THIS
MATTER AND ALL THAT YOU CAN AND WILL DO TO ASSIST ME IS GREATLY
APPRECIATED.

RESPECTFULLY SUBMITTED,


PETITIONER PRO SE,

UNITED STATES DISTRICT COURT
OHIO SOUTHERN DISTRICT COURT
AT CINCINNATI

CRIMINAL CASEFILE NO: CR1-02-030-001

JAMES CARTER
(PETITIONER)

PETITIONER

VS.

PETITION FOR THE REDUCTION OF SENTENCE IN
PURSUANT TO TILTE 18 SECTION 3582(c)(2)

UNITED STATES OF AMERICA

RESPONDENT

COMES NOW THE PETITIONER JAMES CARTER, PRO SE
AND HEREBY MOVES THIS HONORABLE U.S. DISTRICT COURT IN PURSUANT
TO THE ABOVE STYLED PETITION FOR THE REDUCTION OF SENTENCE IN
PURSUANT TO 18 U.S.C. SECTION 3582(c)(2), AS TO THE EXPRESSED
APPLICATION OF RETROACTIVITY THAT IS EFFECTIVE, MARCH 2008, TO BE
APPLIED TO U.S.S.G. SECTION 2D1.1(c). IN ASSERTING THE APPROPRIATE
GROUNDS FOR THIS PETITION, THE PETITIONER ASSERTS THAT HE IS RE-
SPECTFULLY REQUESTING JUDICIAL REVIEW AS TO THE ASSERTED ISSUES
OF FACT AS BEING OUTLINED AS TO SECTION 1B1.10 AND 2D1.1(c) OF
THE U.S. SENTENCING GUIDELINES, UNDER THE CRITERIA AND MANDATES
OF THE 2007 GUIDELINE AMENDMENTS.

IN PRESENTING THIS PETITION BEFORE THIS HONORABLE U.S. DIS-
TRICT COURT, U.S.S.G. 1B1.10 STATES IN PART (2) WHERE A DEFEN-
DANT IS SERVING A TERM OF IMPRISONMENT, AND THE GUIDELINE RANGE
APPLICABLE TO THE DEFENDANT HAS SUBSEQUENTLY BEEN LOWERED AS A
RESULT OF AN AMENDMENT TO THE GUIDELINES MANUAL LISTED IN SUB-
SECTION (c), A REDUCTION IN THE DEFENDANTS TERM OF IMPRISONMENT
IS AUTHORIZED UNDER 18 U.S.C. 3582(c)(2). AS IS BEING ASSERTED,

THE PETITIONER QUALIFIES FOR THE REDUCTION OF THE TWO-LEVEL DECREASE TO HIS BASE OFFENSE LEVEL UNDER THE CRITERIA AND MANDATE OF U.S.S.G. 1B1.10 AND 2D1.1(c).

AS IS BEING ASSERTED, IN DECEMBER OF 2007, THE U.S. SENTENCING COMMISSION AUTHORIZED THAT THE APPLICATION OF EXPRESSED RETROACTIVITY SHALL BE HELD TO APPLY TO U.S.S.G. 2D1.1(c), THAT IS EFFECTIVE, MARCH OF 2008. IN LIGHT OF THIS DECISION BY THE U.S. SENTENCING COMMISSION, THE PETITIONER ASSERTS THAT THIS PETITION FOR THE REDUCTION OF SENTENCE UNDER THE CRITERIA OF TITLE 18 OF THE UNITED STATE CODES, SECTION 3582(c)(2), IS THE PROPER LEGAL AND JUST REMEDY FOR THE RELIEF OF THE TWO-LEVEL DECREASE AS TO THE CURRENT TERM OF IMPRISONMENT THAT THE PETITIONER IS CURRENTLY SUBJECTED TO.

JURISDICTION

THE U.S. DISTRICT COURT, OHIO SOUTHERN DISTRICT COURT CINCINNATI, IS THE COURT OF RECORD AS WELL AS THE PROPER COURT OF LEGAL AND COMPETENT JURISDICTION AS TO THIS PARTICULAR ACTION.

THIS HONORABLE U.S. DISTRICT COURT IS AUTHORIZED TO HEAR AND DETERMINE THIS CAUSE OF ACTION AS IS BEING COMPLAINED OF HERETO. THIS PARTICULAR ISSUE HAS GENERATED CONCERNING THE NOVEMBER, 2007 AMENDMENT GUIDELINES AS TO SECTION 2D1.1(c), AS BEING RETROACTIVE EFFECTIVE MARCH 2008.

VENUE

THE PROPER VENUE FOR THIS CAUSE OF ACTION IS THE U.S. DISTRICT COURT OHIO SOUTHERN DISTRICT COURT CINCINNATI, AS THIS HONORABLE COURT IS WITHIN THE DISTRICT AS BEING THE COURT IN WHICH THE SENTENCE AND JUDGMENT THAT THE PETITIONER IS NOW IN

SUBJECTION WAS IMPOSED.

MATERIAL ISSUES OF FACT

1). ON APRIL 4, , 2002, THE PETITIONER COMMITTED
THE OFFENSE OF DISTRIBUTION OF CRACK COCAINE

IN VIOLATION OF TITLE 21 U.S.C. § 841 (a)(1)

2). ON JANUARY 17, , 2003, THE PETITIONER WAS THUS
SENTENCED TO A TERM OF IMPRISONMENT UNDER THE CUSTODY AND CONTROL
OF THE FEDERAL BUREAU OF PRISONS FOR A TERM OF 151 MONTHS,
TO INCLUDE A TERM OF SUPERVISED RELEASE OF 5 YEARS.

WHEREFORE, THE PETITIONER RESPECTFULLY REQUESTS THAT THIS
HONORABLE U.S. DISTRICT COURT ENTER AN ORDER GRANTING THE PETIT-
IONER THE FOLLOWING RELIEF: 1). THAT THE PETITIONER BE GRANTED
THE TWO-LEVEL DECREASE IN HIS BASE OFFENSE LEVEL AS IS APPLICABLE
UNDER U.S.S.G. 1B1.10 AND 2D1.1(c), 2). THAT THE PETITIONER BE
GRANTED THE APPOINTMENT OF COUNSEL AS TO THESE PROCEEDINGS, 3).
THAT THE PROPER AND NECESSARY WRIT BE FILED TO TRANSPORT THE PET-
ITIONER TO COURT FOR THESE PROCEEDINGS, AND 4). THAT AS TO THESE
PROCEEDINGS THAT THE PETITIONER BE ORDERED RE-SENTENCED UNDER THE
CRITERIA OF BOOKER, RITA AND 18 U.S.C. 3553(a).

RESPECTFULLY SUBMITTED,

James Carter
PETITIONER PRO SE,
REG. NO: 01563-061
F.C.I. MANCHESTER
P.O. BOX 4000
MANCHESTER, KY. 40962-4000

CERTIFICATE OF SERVICE

I JAMES CARTER, DO HEREBY CERTIFY THAT TRUE, ACCURATE AND CORRECT COPIES OF THE FOREGOING PETITION FOR THE REDUCTION OF SENTENCE IN PURSUANT TO TITLE 18 U.S.C. 3582(c)(2) HAS BEEN MAILED, TO INCLUDE ONE (1) ORIGINAL PLEADING AND TWO (2) COPIES, TO THE CLERK'S OFFICE OF THE U.S. DISTRICT COURT AT THE FOLLOWING ADDRESS: U.S. DISTRICT COURTHOUSE POTTER STEWART U.S. COURTHOUSE 100 EAST FIFTH STREET SUITE 324 CINCINNATI, OH 45202, BY PLACING THEM IN THE U.S. POSTAL MAIL, HERE AT THE FEDERAL CORRECTIONAL INSTITUTE, MANCHESTER ON THIS 14 DAY OF FEBRUARY, 2008.

RESPECTFULLY SUBMITTED,

James Carter
PETITIONER PRO SE,
REG. NO: 01563-061
F.C.I. MANCHESTER
P.O. BOX 4000
MANCHESTER, KY. 40962-4000